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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,103	10/26/2000	Joachim Zimmer	1356	1589
7590	02/20/2004			
Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743			EXAMINER	COLE, LAURA C
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/674,103	ZIMMER, JOACHIM
Examiner	Art Unit	
Laura C Cole	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 18 December 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1 and 5-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1 and 5-17 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 26 October 2000 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .  
4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1, 5-13 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schill et al., USPN 5,884,357 in view of Zimmer, DE 44 28 371.

Schill et al. discloses a four joint wiper arm for a windshield wiper system that comprises a drive lever (Figure 2 (4)) connected to and fixed against relative rotation to a drive shaft (Figure 2 (7)), a steering lever (Figure 2 (5)) connected to an axle (Figure 2 (11)) which is pivotally connected to a wiper lever (Figure 2 (6)) that is braced in the mounting direction (see arrangement direction in Figure 4). Schill et al. does not disclose specific pivotal connections such as one having levers braced in the mounting direction on a bearing shoulders.

Zimmer displays a connection between a shaft (or axle) (Figure 1 (10)) and a wiper "lever" (Figure 1 (14)) wherein the lever is braced in the mounting direction on a bearing shoulder (Figure 2 (26)) via a disk (Figure 2 (12)), and the disk is pressed by positive engagement onto the axle, and the axle joined in the pivoting direction to the disk (see Figures). The axle is joined solidly to the disk in the pivoting direction (see screw thread (Figure 2 (24) direction) in a clearance fit (clearance gaps evident in Figure 3). The lever positively surrounds the disk and has circumferential "side walls" (Figure 2 (34) is a side wall and Figure 3 displays the lever surrounding the disk. It appears from Figure 2 that the "side walls" are merging in the mounting direction

(upwards) from a smaller cross sectional region to a larger cross sectional region. The axle has a region (Figure 2 (22) wherein the cross section deviates from radial symmetry. Further, Zimmer displays an axle that has a cross sectional region deviating from radial symmetry (Figure 2 (22)) and a pressure piece (Figure 2 (28)) placed between the axle and lever (Figure 3) that has an opening (Figure 2 (30)) that suits the cross sectional region and positively surrounds the axle (Figure 3) and has an outer cone (Figure 2 (34) is cone shaped) pressed within in it an inner cone (Figure 2 (28) and is fixed axially on the bearing shoulder (Figure 3.) The axle and pressure piece appear to be connected positively via from six load-bearing faces (Figure 2).

It would have been obvious for one of ordinary skill in the art to use the lever arrangement that Schill et al. teach and substituting the axles and securing connection structures for those that Zimmer teaches so that the positioning of levers to the axles is not affected by manufacturing tolerances and so that the connection is capable of transferring high torque independent of the tightness of the nut.

2. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schill et al., USPN 5,884,357 in view of Zimmer, DE 44 28 371.

Zimmer further discloses that the lever around the connection point to the axle has an indentation (Figure 2, dashed lines.) However, neither Zimmer nor Schill et al. disclose that the lever is a sheet metal part. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use sheet metal, since it has been held to be within the general skill of a worker in the art to select a known

material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

***Applicants Arguments***

3. Applicants response Paper No. 7, filed 18 December 2003, argues that:
  - A. The references do not contain each and every element of the present invention as claimed.
  - B. The references do not contain any hint or suggestion for suggesting to make the present invention obvious.

***Response to Arguments***

4. Applicant's arguments A and B filed 18 December 2003 have been fully considered but they are not persuasive.

As stated above, Schill et al., USPN 5,884,357 in view of Zimmer, DE 44 28 371 disclose all features of the claimed invention. Schill et al. does not disclose specific pivotal connections such as one having levers braced in the mounting direction on a bearing shoulders, however Zimmer discloses the structural pivotal connections. It would have been obvious for one of ordinary skill in the art to use the lever arrangement that Schill et al. teach and substituting the axles and securing connection structures for those that Zimmer teaches so that the positioning of levers to the axles is not affected by manufacturing tolerances and so that the connection is capable of transferring high torque independent of the tightness of the nut.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Mondays through Thursdays, and alternating Fridays, from 7:30 am to 5 pm.

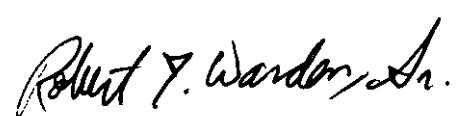
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden, can be reached at (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.  
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LCC

09 February 2004



**ROBERT J. WARDEN, SR.**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1700**